

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Public Health and Addiction Services v.

Doris Greene, L.P.N.

License No. 021480

10-F Anthony Road

New London CT 06320

CASE PETITION NO. 930317-11-009

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health and Addiction Services (hereinafter the "Department") with a Statement of Charges dated November 8, 1993. (Department Exhibit 2) The Statement of Charges alleged, in one (1) count, violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Doris Greene (hereinafter the "Respondent").

The Board issued a Notice of Hearing dated December 8, 1993 scheduling a hearing for February 10, 1994. The hearing took place on February 10, 1994 in Room 112, National Guard Armory, Maxim Road, Hartford, Connecticut.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record and his/her specialized professional knowledge in evaluating the evidence.

FACTS

Based on the testimony given and the exhibits offered into evidence, the Board made the following findings of fact:

1. Doris Greene, hereinafter referred to as the Respondent, was issued Licensed Practical Nurse License Number 021480 on February 3, 1986 and was the holder of said license at all times referenced in the Statement of Charges. (Department Exhibit 3)
2. Pursuant to the General Statutes of Connecticut, Section 4-182(c), the Respondent was provided full opportunity prior to the institution of agency action to show compliance with all the terms for the retention of her license. (Department Exhibit 1)
3. The Respondent was aware of the time and location of the hearing. Department Exhibit 2 indicates that the Notice of Hearing and Statement of Charges were delivered by certified mail to the Respondent's address of record.
4. The Respondent was not present during the hearing and was not represented by counsel. (Hearing Transcript, February 10, 1994, p.2)
5. That pursuant to a Consent Order dated February 20, 1992 the licensed practical nurse license of the Respondent was placed on probation for a period of one year, effective March 1, 1992, for reporting to work while under the influence of alcohol. (Department Exhibit 6)
6. That pursuant to the Consent Order dated February 20, 1992 the probation of the Respondent's licensed practical nurse license included the condition that the Respondent shall not accept employment as a nurse for a personnel provider, visiting nurse agency, or home health care agency for the period of probation. (Department Exhibit 6)

7. That while her licensed practical nurse license was on probation, the Respondent was employed as a nurse by Health Resources, East Berlin, Connecticut, a home health care nursing agency. (Department Exhibits 4 and 5)
8. That the Respondent did not inform Health Resources that her licensed practical nurse license was on probation. (Department Exhibit 4)

DISCUSSION AND CONCLUSIONS

In consideration of the above Findings of Fact, the following conclusions are rendered:

Doris Greene held a valid licensed practical nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges sufficiently provided information as mandated by the General Statutes of Connecticut Sections 4-177 and 4-182.

The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as 19-2a-1 through 19-2a-30 of the Regulations of Connecticut State Agencies. The Notice of Hearing, Statement of Charges and the hearing process provided the Respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut Section 4-182(c).

The FIRST COUNT PARAGRAPH 4 of the Statement of Charges alleges that the Respondent, while her licensed practical nurse license was on probation pursuant to a Consent Order dated February 20, 1992, violated the terms of probation by being employed by Health Resources, a nurse agency.

The Respondent was not present at the hearing to answer to this charge. (Hearing Transcript, February 10, 1994, p.2)

Sections 20-99(b) of the General Statutes of Connecticut prohibits conduct which fails to conform to the accepted standards of the nursing profession.

Based on its findings, the Board concludes that the Respondent's conduct as specified in the First Count Paragraph 4 is proven. The Board concludes that the Respondent's conduct violated the terms of probation ordered pursuant to the Consent Order dated February 20, 1992 and is a violation of Section 20-99(b) of the General Statutes of Connecticut. Therefore, the Respondent is subject to disciplinary action pursuant to Section 19a-17 of the General Statutes of Connecticut.

The FIRST COUNT PARAGRAPH 5 of the Statement of Charges alleges that the Respondent, while her licensed practical nurse license was on probation pursuant to a Consent Order dated February 20, 1992, violated the terms of probation by being sent to work at Bride Brook Rehabilitation Center, on approximately thirty-five (35) occasions by Health Resources.

The Respondent was not present at the hearing to answer to this charge. (Hearing Transcript, February 10, 1994, p.2)

The Department failed to present any evidence with regard to this charge, therefore the First Count Paragraph 5 is dismissed.

ORDER

Pursuant to its authority under Sections 19a-17 and 20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

1. That for the First Count Paragraph 4, the Respondent is assessed a civil penalty in the amount of two hundred and fifty dollars (\$250.00).

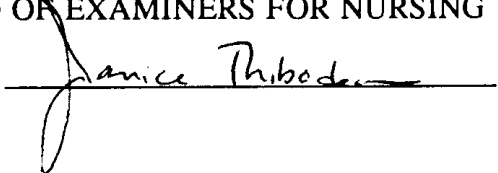
2. The \$250.00 civil penalty shall be made by certified check payable to "Treasurer, State of Connecticut" and shall be sent to:

OFFICE OF THE BOARD OF EXAMINERS FOR NURSING
Department of Public Health and Addiction Services
150 Washington Street
Hartford CT 06106

3. The \$250.00 civil penalty is due on or before July 1, 1994.
4. This Memorandum of Decision becomes effective on the date it is signed by the Chairperson of the Board of Examiners for Nursing.

The Board of Examiners for Nursing hereby informs the Respondent, Doris Greene, and the Department of Public Health and Addiction Services of the State of Connecticut of this decision.

Dated at Hartford, Connecticut, this 27th day of April, 1994.

BOARD OF EXAMINERS FOR NURSING
By 

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